

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WILLIAM R. BRANCH,</b>	:	<b>CIVIL ACTION NO. 1:00-CV-1728</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>MR. RUSSIAN, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 29th day of June, 2004, upon consideration of plaintiff's demand for a jury trial (Doc. 175), which was filed more than ten days after "service of the last pleading directed to such issue" and is thus untimely under Federal Rule of Civil Procedure 38, see FED. R. CIV. P. 38(b); see also id. 39(b) ("Issues not demanded for trial by jury as provided in Rule 38 shall be tried by the court; but, notwithstanding the failure of a party to demand a jury in an action in which such a demand might have been made of right, the court in its discretion upon motion may order a trial by a jury of any or all issues."); SEC v. Infinity Group Co., 212 F.3d 180, 195-96 (3d Cir. 2000) (enumerating several factors that courts should consider "in determining whether to grant an untimely jury demand") (quoting Fort Wash. Res., Inc. v. Tannen, 852 F. Supp. 341, 342 (E.D. Pa. 1994)), and it appearing that granting the demand would cause substantial delays in the commencement of trial in the above-captioned case and would significantly disrupt the court's ability to resolve other cases currently scheduled for jury trials in the upcoming months, see id. at 196 (identifying factor as "whether granting the motion would disrupt the schedule

of the Court or the adverse party”), that granting the demand would either require defendants to engage in considerable trial preparation near to the scheduled date of trial commencement or would necessitate further delays in trial commencement that would prejudice defendants in securing prompt resolution of the above-captioned case, see id. (identifying factor as “whether any prejudice would result to the adverse party”), and that plaintiff delayed for over three years from the filing of the complaint in making a demand for a jury trial<sup>1</sup> but offers *no* reason or explanation for this delay, see id. (identifying factors as “how long the party delayed in bringing the motion” and “the reasons for the failure to file a timely demand”), it is hereby ORDERED that the demand for a jury trial (Doc. 175) is DENIED. The court will not entertain a motion for reconsideration of this order and will strike any such motion.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> Plaintiff also made an untimely jury demand in December 2003 (Doc. 124), which was denied by the court for the same reasons expressed herein (See Doc. 132).